THE

MYSORE GAZETTE.

Published by Authority.

BANGALORE, SATURDAY, JUNE 28, 1879.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Acts of the Governor General of India in Council, &c.

FOREIGN DEPARTMENT.

NOTIFICATION.

JUDICIAL.

Simla, the 10th June 1879.

No. 1321-*J.*—The Governor General in Council is pleased to extend the provisions of Act IV of 1879 (the Indian Railway Act, 1879) to the Province of Mysore, subject to the following modifications, *viz* :—

The second paragraph of section one, and the third paragraph of section two, and in section three, in the definition of Railway Administration, the words "or a Native State," and in section fifty the words "a Presidency Magistrate and," shall be omitted.

A. C. LYALL,
Secretary to the Government of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 13th March, 1879, and is hereby promulgated for general information :—

ACT NO. IV OF 1879.

THE INDIAN RAILWAY ACT, 1879.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Repeal of Acts.
3. Interpretation-clause.
4. Right to use locomotives.

CHAPTER II.

DUTIES OF THE RAILWAY ADMINISTRATION.

SECTIONS.

5. Railway when to be opened.
6. Accidents to be reported.
7. Returns of accidents in course of traffic.
8. General rules for working Railway.
   Penalty for breach of rules.
   Notification of rules.
   Power to cancel rules.

SECTIONS.

9. Copy and translation of Act, &c., to be shewn at stations.

CHAPTER III.

CARRIAGE OF PROPERTY.

10. Special contract limiting liability.
11. No liability for loss of gold, silver, &c., unless value declared and increased charge accepted.
12. No liability for unbooked luggage.
13. Plaintiffs not required to prove negligence.
14. Lien for money due for carriage, &c., of property.
15. Written account of property to be given on demand.
16. Dangerous goods.

CHAPTER IV.

CARRIAGE OF PASSENGERS.

17. Passengers on payment of fares to be furnished with tickets.
Tickets to be shewn and given up on demand.
18. Fares and tickets at intermediate stations.
Preferential right of ticket-holders.
Proviso.
19. Fares to be prepaid.
20. Power to remove persons suffering from infectious disease.

CHAPTER V.

OFFENCES AND PROCEDURE.

(A).—*Offences by the Railway-Administration.*

21. Penalty for opening Railway in contravention of section 5.
22. For omitting to report accident.
23. For not sending return of accidents or making rules under section 8, or exhibiting copy under section 9.

(B).—*Offences by Railway-servants.*

24. For omitting to give notice of accident.
25. For drunkenness or breach of duty.
26. For endangering the safety of persons.
27. For receiving bribes.
Amendment of Penal Code, section 161.
28. For compelling passengers to enter carriages already full.

(C).—*Offences by persons generally.*

29. For not giving account of goods or giving false account.
30. For taking dangerous goods on Railway, or delivering such goods without notice.
31. For travelling without ticket or not shewing or delivering up ticket.
32. For evading payment of fare.
For altering ticket.
33. For entering carriage in motion.
For riding on the steps.
34. For riding on engine, tender, &c.
35. For smoking.
36. For intoxication or nuisance.
37. For entering carriage or room reserved for females.
38. For obstructing Railway-servant in his duty.
39. For entering carriage already full.
40. For removing signals or injuring carriage, &c.
41. For trespass.
For refusing to leave on request.
42. For cattle-trespass within Railway-fences.
For wilfully driving cattle on fenced Railway;
on unfenced Railway.
Recovery of fines and payment of compensation.
Amendment of Act I of 1871, sections 11 and 26.
43. For opening or not properly shutting gates.
44. For minors obstructing line or throwing stones.
45. For wilful act or omission endangering persons on Railway.
46. For rash or negligent act.
47. Disobedience of omnibus, &c., drivers to Railway-servants.

(D).—*Arrest of Offenders.*

48. Arrest for offences punishable under this Act of offender whose name is unknown, &c.
49. Arrest for offences against certain sections.

(E).—*Jurisdiction.*

50. Magistrates having jurisdiction.
Place of trial.

(F).—*Saving of other Criminal Laws.*

51. Saving of prosecutions under other laws.

CHAPTER VI.

MISCELLANEOUS.

52. Power of Government to make rules as to fences, gates and bars.
53. Power to declare Local Government in respect of any Railway.
54. Power to extend Act to steam-tramways.

SCHEDULES.

345

An Act to consolidate and amend the law relating to Railways in India.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Railways in India; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Indian Railway Act, 1879 :"

Local extent.

It extends to the whole of British India and, so far as regards subjects of Her Majesty the Empress of India, to the dominions of Princes and States in India in alliance with Her said Majesty ;

Commencement.

And it shall come into force on the first day of July, 1879.

Repeal of Acts.

2. On and from that day, the Acts specified in the first schedule hereto annexed shall be repealed.

All rules made, notifications published and powers conferred under any of such Acts, or any enactment thereby repealed, shall (so far as they are consistent herewith) be deemed to have been respectively made, published and conferred under this Act.

Nothing in the Carriers Act, 1865, shall apply to carriers by railway.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"Railway."

"Railway" means a railway for the public conveyance of passengers or goods.

It includes—

(a) all land within the fences or other boundary-marks prescribed under section fifty-two ;

(b) all lines of rail, sidings or branches worked over for the purposes of, or in connection with, a Railway ;

(c) all stations, offices, warehouses, fixed machinery and other works constructed for the purposes of, or in connection with, a Railway ;

(d) all vessels and rafts used for the purpose of carrying on the traffic of a Railway.

In section four, "Railway" includes a Railway under construction, and in the remaining part of this section and in the following sections (namely), six, eight, sixteen, twenty-five, thirty, thirty-three, thirty-four, forty to forty-six (both inclusive), fifty-two and fifty-three, "Railway" includes a Railway under construction and a Railway not used for the public conveyance of passengers or goods :

"Railway-administration."

"Railway-administration" means in the case of a Railway worked by Government or a Native State, the Manager of such Railway, and in the case of a Railway worked by a Company or private individual, such Company or individual :

"Railway-servant."

"Railway-servant" means any person employed by a Railway-Administration, to perform any function in connection with a Railway,

and in section twenty-five, last clause, sections twenty-six, twenty-seven, thirty-eight, and forty-two includes any person employed to perform any such function by any other person in execution of a contract into which he has entered with a Railway-Administration.

Right to use locomotives.

4. It shall be lawful, with the previous sanction of the Governor General in Council, to use on every Railway locomotive engines or other motive power, and carriages and wagons to be drawn or propelled thereby.

CHAPTER II.

DUTIES OF THE RAILWAY-ADMINISTRATION.

Railway when to be opened.

5. No Railway or portion or extension of, or addition to, a Railway shall be opened for the public conveyance of passengers until the Railway-Administration has given to the Governor General in Council notice in writing of the intention of opening the same and until an officer appointed by the Governor General in Council to inspect such Railway, portion, extension or addition has, after inspection thereof, reported in writing to the Governor General in Council that in his opinion the opening of the same would not be attended with danger to the public using the same.

Accidents to be reported.

6. Every Railway-Administration shall, within forty-eight hours after the occurrence upon the Railway of—

(*a*) any accident attended with loss of human life or serious injury to person or property,

(*b*) any accident of a description usually attended with such loss or injury, and

(*c*) any accident of any other description which the Governor General in Council may, from time to time, direct to be notified,

give notice thereof to the Local Government;

and the Station-master nearest to the place at which the accident occurs, or, where there is no Station-master, the officer in charge of the section of the Railway on which the accident occurs, shall without unnecessary delay give notice in writing or by telegraph of such accident to the nearest Magistrate and to the officer in charge of the Police-station in the jurisdiction of which the accident occurs or to such other Magistrate and Police-officer as the Local Government from time to time appoints in this behalf.

Returns of accidents.

7. Every Railway-Administration shall make up and deliver to the Governor General in Council a return of accidents occurring in the course of the public traffic upon the Railway, whether attended with personal injury or not, in such form and manner, and at such intervals of time, as the Governor General in Council from time to time directs.

General rules for working Railway.

8. Every Railway-Administration shall make general rules for the following purposes (that is to say):

(*a*) for regulating the mode in which, and the speed at which, carriages and wagons used on the Railway are to be moved or propelled;

(*b*) for regulating the maximum number of passengers which each carriage and compartment may carry, and the mode in which such number shall be denoted thereon;

(*c*) for regulating the provision to be made for the accommodation and convenience of passengers;

(*d*) for declaring what shall be deemed to be, for the purposes of this Act, dangerous goods; and

(*e*) generally for regulating the travelling upon, and the use, working and management of, the Railway;

and may, from time to time, alter any such rules.

Penalty for breach of rules.

Any such rule may contain a provision that any person committing a breach of it shall be liable to a fine which may extend to fifty rupees, or, in default of payment of such fine, to simple imprisonment for a term which may extend to two months.

No such rule shall take effect unless it is consistent with this Act and until it has received the sanction of the Governor General in Council.

Notification of rules.

All rules made under this section shall be published in the *Gazette of India*, and shall be otherwise notified to the Railway-servants and the public in such manner as the Governor General in Council, from time to time, directs.

to cancel rules.

The Governor General in Council may at any time cancel any such rule.

9. An abstract of this Act, and a copy of the Time-tables and Tariff of charges which may, from time to time, be published for any Railway by any Railway-Administration, shall be exhibited in some conspicuous place at each station of such Railway, so that they may be easily seen and read.

Copy and translation of Act, &c., to be shewn at stations.

All such documents shall be so exhibited in English and in the principal vernacular language of the district in which the station is situate, and in such other language, if any, as the Governor General in Council may direct.

CHAPTER III.

CARRIAGE OF PROPERTY.

10. Every agreement purporting to limit the obligation or responsibility imposed on a carrier by Railway by the Indian Contract Act, 1872, sections 151 and 161, in the case of loss, destruction or deterioration of, or damage to, property shall, in so far as it purports to limit such obligation or responsibility, be void unless—

Special contract limiting liability.

(a) it is in writing signed by, or on behalf of, the person sending or delivering such property, and

(b) is otherwise in a form approved by the Governor General in Council.

11. When any property mentioned in the 2nd schedule hereto annexed is contained in any parcel or package delivered to a carrier by Railway, the carrier shall not be liable for loss, destruction or deterioration of, or damage to, such property, unless at the time of delivery the value and nature thereof have been declared by the person sending or delivering the same, and an increased charge for the safe conveyance of the same, or an engagement to pay such charge, has been accepted by some Railway-servant specially authorized in this behalf.

No liability for loss of gold, silver, &c., unless value declared and increased charge accepted.

When any property of which the value and nature have been declared under this section has been lost, destroyed or damaged, or has deteriorated, the compensation recoverable for such loss, destruction, damage or deterioration shall not exceed the value so declared.

12. A carrier by Railway shall in no case be answerable for loss, destruction or deterioration of or damage to any passenger's luggage, unless a Railway-servant has booked and given a receipt for the same.

No liability for un-booked luggage.

13. In any suit against a carrier by Railway for compensation for loss, destruction or deterioration of, or damage to, property delivered to a Railway-servant, it shall not be necessary for the plaintiff to prove in what manner such loss, destruction, deterioration or damage was caused.

Plaintiffs not required to prove negligence.

14. If any person fails to pay on demand any sum due by him to a carrier by Railway for conveyance of any property by Railway, or for the custody of any property or for demurrage or wharfage in respect of the same, the Railway-Administration may detain the whole or any part of such property or, if the same have been removed from the Railway, any other property of such person then on such Railway or thereafter coming into the possession of the Railway-Administration;

Lien for money due for carriage, &c., of property.

and may also sell by public auction, in the case of perishable property at once, and in the case of other property on the expiration of at least fifteen days' notice thereof published in one or more of the local newspapers or, where there are no such newspapers, in such manner as the Local Government may, from time to time, direct, sufficient of such property to produce the sum payable as aforesaid, and all charges and expenses of such detention, notice and sale, or, if such person fails to remove from the Railway within a reasonable time any property so detained, the whole of such property;

and may out of the proceeds of the sale, retain the sum so payable, together with all charges and expenses aforesaid, rendering the surplus, if any, of such proceeds, and so much of the property (if any) as remains unsold, to the person entitled thereto;

or such carrier may recover any such sum by suit.

15. The owner or person having the care of any property which has been carried upon any Railway, or is brought into any station or warehouse for the purpose of being carried upon a Railway, shall, on demand by any Railway-servant appointed in this behalf by the Railway-Administration, deliver to him an exact account in writing signed by such owner or person of the quantity and description of such property.

Written account of property to be given on demand.

16. No passenger shall take with him on a Railway, and no person shall deliver or tender for carriage upon any Railway, any dangerous luggage or goods without giving notice of their nature to a Railway-servant, or, in the case of luggage or goods delivered or tendered for carriage, distinctly marking their nature on the outside of the package containing the same.

Dangerous goods.

Any Railway-servant may refuse to carry upon a Railway any luggage or parcel which he suspects to contain dangerous goods, and may require such luggage or parcel to be opened to ascertain the fact previously to carrying the same ;

and in case any such luggage or parcel is received for the purpose of being carried upon a Railway, any Railway-servant may stop the transit thereof until he is satisfied as to the nature of its contents.

CHAPTER IV.

CARRIAGE OF PASSENGERS.

17. Every person desirous of travelling on a Railway shall, upon payment of his fare, be furnished with a ticket specifying in English and the principal vernacular language of the district in which the ticket is issued, the class of carriage for which and the place from and place to which, the fare has been paid and the amount of such fair ;

Passengers on payment of fares to be furnished with tickets.

and every passenger shall, when required, shew his ticket to any Railway-servant duly authorized to examine the same, and shall deliver up such ticket upon demand to any Railway-servant duly authorized to collect tickets.

Tickets to be shewn and given up on demand.

18. At the intermediate stations, the fares shall be deemed to be accepted and the tickets furnished only upon condition that there be room in the train for which the tickets are furnished.

Fares and tickets at intermediate stations.

In case there is not room for all the passengers to whom tickets have been furnished, those who have obtained tickets for the longest distance shall have the preference ; and those who have obtained tickets for the same distance shall have the preference according to the order in which they have received their tickets :

Preferential right of ticket holders.

Provided that all officers and troops of Her Majesty on duty and all other persons on the business of the Government who, by virtue of any contract with the Government or, in the case of a Railway worked by Government, of any direction of the Governor General in Council, are entitled to be conveyed on a Railway in preference to, or in priority over, the public, shall be entitled to such preference and priority without reference to the distance for which, or the order in which they have received their tickets.

Proviso.

Any passenger to whom a ticket has been furnished at any station and for whom there is no room shall, on returning the ticket within a reasonable time after its issue, be entitled to have his fare at once refunded.

19. Except with the permission of the Railway-Administration or of such officer as it appoints in this behalf, no person shall enter any carriage used on any Railway for the purpose of travelling therein without having first paid his fare and obtained a ticket.

Fares to be prepaid.

20. Any passenger found suffering from an infectious disease in a Railway-carriage or in any place on a Railway may, if his remaining in such carriage or place is likely to spread the infection of such disease, be removed from such carriage or place by any Railway-servant;

Power to remove persons suffering from infectious disease.

v passenger so removed who has paid his proper fare to or at the place at which he is so removed entitled, on returning his ticket, to have such fare refunded.

CHAPTER V.

Offences and Procedure.

(A).—*Offences by the Railway-Administration.*

Penalty for opening Railway in contravention of section 5.

21. Any Railway-Administration opening, in contravention of section five, any Railway, or any portion or extension of, or addition to, a Railway, shall forfeit to Government the sum of one thousand rupees for every day during which the same continues open in contravention of that section.

For omitting to report accident.

22. Any Railway-Administration omitting to give notice as required by section six, shall forfeit to Government the sum of one hundred rupees for every day during which such omission continues.

For not sending return of accidents or making rules under section 8, or exhibiting copy under section 9.

23. Any Railway-Administration failing to deliver any return mentioned in section seven within fourteen days after the same ought to be delivered, or to make or notify any rules as required by section eight, or to exhibit any abstract or copy mentioned in section nine in manner required by that section, shall forfeit to Government the sum of fifty rupees for every day during which such failure continues.

(B).—*Offences by Railway-servants.*

For omitting to give notice of accident.

24. Any Station-master or other person omitting to give notice as required by section six, shall be punished with fine which may extend to fifty rupees.

For drunkenness or breach of duty.

25. Any Railway-servant who is in a state of intoxication, whilst actually employed upon a Railway in the discharge of any duty, or who negligently omits to perform his duty, or who performs the same in an improper manner,

shall be punished with fine which may extend to fifty rupees;

or if the duty in any of the cases aforesaid be such that the negligent omission or improper performance thereof would be likely to endanger the safety of any person travelling or being upon such Railway, such servant shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

For endangering the safety of persons.

26. If any Railway-servant in the discharge of his duty endangers the safety of any person—

(*a*) by disobeying any general rule sanctioned and published and notified in the manner prescribed by section eight; or

(*b*) by disobeying any rule or order not inconsistent with the general rules aforesaid, and which such servant was bound by the terms of his employment to obey, and of which he had notice; or

(*c*) by any rash or negligent act or omission,

he shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five hundred rupees, or with both.

For receiving bribes.

27. Every Railway-servant shall be deemed a "public servant" within the meaning of sections 161, 162, 163, 164, and 165 of the Indian Penal Code.

Amendment of Penal Code, section 161.

In the definition of legal remuneration contained in the said section 161, the word "Government" shall, for the purposes of this section, be deemed to include any employer of a Railway-servant as such.

For compelling passengers to enter carriages already full.

28. Any Railway-servant who compels or attempts to compel any passenger to enter a carriage or compartment containing the maximum number of passengers denoted, thereon in accordance with a rule made and notified under section eight shall be punished with fine which may extend to one hundred rupees.

901

(C).—*Offences by Persons generally.*

29. Any person required under section fifteen to give an account of the quantity and description of any property who neglects or refuses to give such account,

For not giving account of goods or giving false account.

or who wilfully gives a false account,

shall be punished with fine which may extend to five rupees for every maund (of 3,200 tolahs) of such property ; and such fine shall be in addition to any charge to which such property may be liable.

30. Whoever, in contravention of section sixteen, takes with him any dangerous goods on a Railway, or delivers or tenders any such goods for the purpose of being carried upon a Railway, shall be punished with fine which may extend to two hundred rupees.

For taking dangerous goods on Railway or delivering such goods without notice.

31. Any passenger travelling on a Railway without a proper ticket or having such a ticket and not shewing or delivering up the same when so required under section seventeen, shall be liable to pay the fair of the class in which he is found travelling, from the place whence the train originally started, unless he can prove that he has travelled a less distance only, in which case he shall be liable to pay the fare of the class aforesaid only from the place whence he has travelled.

For travelling without ticket or not shewing or delivering up ticket.

Every such fare shall, on application by a Railway-servant to a Magistrate, and on proof of the passenger's liability, be recoverable from such passenger as if it were a fine, and shall, when recovered, be paid to the Railway-Administration.

For evading payment of fare.

32. Any person who defrauds, or attempts to defraud, any carrier by Railway—

(a) by travelling, or attempting to travel, on any Railway without having previously paid his fare ;

(b) by riding or attempting to ride in or on a carriage, or by a train, of a higher class than that for which he has paid his fare ;

(c) by using or attempting to use a ticket on any day for which such ticket is not available ;

(d) by continuing his journey in or upon any carriage beyond the place to which he has paid his fare, without previously paying the fare for the additional distance ;

or who, in any other manner whatever, attempts to evade the payment of his fare,

or who wilfully alters or defaces his ticket so as to render the date, number or other material portion thereof illegible,

For altering ticket.

shall be punished with fine which may extend to fifty rupees, and shall also be liable to pay the fare (if any) which he ought to have paid ; and such fare shall be recoverable in manner provided by section thirty-one and shall, when recovered, be paid to the Railway-Administration.

33. Any passenger who gets into or upon, or attempts to get into or upon, or quits, or attempts to quit, any carriage upon any Railway, while such carriage is in motion, shall be punished with fine which may extend to twenty rupees ;

For entering carriage in motion.

and any passenger who rides, or attempts to ride, on the steps, or any other part of a carriage, upon any Railway, except on those parts which are intended for the accommodation of passengers,

For riding on the steps.

shall be punished with fine which may extend to fifty rupees.

34. Any person who, without the permission of the Railway-Administration, rides or attempts to ride upon any locomotive-engine or tender upon any Railway ; or in or upon any vehicle not appropriated to the carriage of passengers, shall be punished with fine which may extend to one hundred rupees.

For riding on engine, tender, &c.

35. Any person who, without the consent of his fellow-passengers, if any, in the same compartment, smokes in or upon any Railway-carriage, except in a carriage or compartment specially provided for the purpose, shall be punished with which may extend to twenty rupees ;

For smoking.

202

3c

and any person who persists in so smoking (except as aforesaid) after being warned by any Railway-servant to desist may, in addition to incurring the liability above-mentioned, be removed by any Railway-servant from any such carriage, and from the premises of the Railway, and where he has paid his fare and obtained a ticket, shall forfeit such fare and ticket.

For intoxication or nuisance.

36. Any person who is in a state of intoxication, or who commits any nuisance or act of indecency in any Railway-carriage, or upon any part of any Railway;

or who wilfully and without lawful excuse interferes with the comfort of any passenger, or extinguishes any lamp in any Railway-carriage,

shall be punished with fine which may extend to fifty rupees; and may be removed by any Railway-servant from any such carriage, and also from the premises of the Railway, and where he has paid his fare and obtained a ticket, shall forfeit such fare and ticket.

For entering carriage or room reserved for females.

37. If any carriage, compartment, room or place be reserved by the Railway-Administration for the exclusive use of females, any male person who without lawful excuse enters such carriage, compartment, room or place knowing the same to be reserved as aforesaid, or remains therein after having been informed of its having been so reserved, shall be punished with fine which may extend to one hundred rupees,

and may be removed therefrom; and also from the premises of the Railway, by any Railway-servant, and, where he has paid his fare and obtained a ticket, shall forfeit such fare and ticket.

For obstructing Railway-servant in his duty.

38. Whoever wilfully obstructs or impedes any Railway-servant in the discharge of his duty, shall be punished with fine which may extend to one hundred rupees.

For entering carriage already full.

39. Any passenger wilfully entering a carriage or compartment containing the maximum number of passengers which has been denoted thereon in accordance with a rule made and notified under section eight, shall be punished with fine which may extend to one hundred rupees.

For removing signals or injuring carriage, &c.

40. Any person who without authority or reasonable excuse makes, alters, shews, hides, removes or extinguishes any signal or light upon any Railway, or upon any engine, carriage, wagon or other vehicle upon a Railway,

or who negligently damages any engine, carriage, wagon or other vehicle belonging to a Railway, or any warehouse, building, machine, fence or other thing so belonging,

or who needlessly interferes with the means of communication provided in any train between the guard and the engine-driver or passengers,

shall be punished with fine which may extend to one hundred rupees.

For trespass.

For refusing to leave on request.

41. Any person who unlawfully enters upon a Railway shall be punished with fine which may extend to twenty rupees; and if any person so entering refuses to leave such Railway on being requested to do so by any Railway-servant, or by any other person on behalf of the Railway-Administration, he shall be punished with fine which may extend to fifty rupees, and may be immediately removed from such Railway by such servant or other person as aforesaid.

For cattle-trespass within Railway-fences.

42. The owner or person in charge of any bulls, cows, bullocks, calves, elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules asses, pigs, rams, ewes, sheep, lambs, goats and kids straying on any Railway provided with fences suitable for the exclusion of such animals, shall be punished with fine which may extend to ten rupees for each animal, in addition to any amount that may be recovered under the Cattle Trespass Act, 1871.

For wilfully driving cattle on fenced Railway;

Whenever any such animals are wilfully and unlawfully driven, or knowingly and unlawfully permitted to be, on any Railway provided with fences suitable for the exclusion of such animals,

and whenever any such animals are wilfully driven, or knowingly permitted to be, on any Railway not so provided, otherwise than for the purpose of lawfully crossing the Railway, or for any other lawful purpose,

on unfenced Railway.

the person in charge of such animals, or if he cannot be identified, then the owner of the said animals, shall be punished with fine which may extend to fifty rupees for each animal, in addition to any amount that may be recovered under the same Act.

All fines imposed under this section may, if the convicting Magistrate so direct, be recovered in manner provided by section twenty-five of the said Cattle Trespass Act, 1871, and may be appropriated in whole or in part in compensation for loss or damage proved to his satisfaction.

Recovery of fines and payment of compensation.

The expression "Public Road" in sections eleven and twenty-six of the same Act shall be deemed to include a Railway. And any Railway-servant may exercise the powers of seizure provided by the said section eleven.

Amendment of Act I of 1871, ss. 11 and 26.

43. Whoever knowing or having reason to believe that any engine or train is approaching along a Railway opens any gate which the Railway-Administration has set up on either side of the Railway across any road for the use or accommodation of any person, or passes or attempts to pass, or drives or takes, or attempts to drive or take, any vehicle, animal or other thing, across the Railway;

For opening or not properly shutting gates.

and whoever at any time, in the absence of a gate-keeper, omits to shut and fasten such gate as soon as he and any vehicle, animal or other thing under his charge have passed through the same,

shall be punished with fine which may extend to fifty rupees.

For minors obstructing line or throwing stones at train.

44. Whenever any minor under twelve years of age unlawfully—

(a) places or throws, or attempts to place or throw, upon or across a Railway any wood, stone or other thing, or

(b) removes or displaces, or attempts to remove or displace, any rail, sleeper, spike, key or other thing belonging to the permanent way of a Railway, or

(c) throws or causes to fall, or attempts to throw or cause to fall, against, into or upon any engine, tender, carriage or other vehicle used upon a Railway any wood, stone or other thing,

such minor shall be deemed guilty of an offence, and the convicting Magistrate may, in his discretion, direct either that the minor, if a male, shall be punished with whipping, or that the father or guardian of the minor shall, within such reasonable time as the Magistrate may fix, execute a bond binding himself, in such penalty as the Magistrate may direct, to prevent the minor from repeating such offence.

The amount of such bond, if forfeited, shall be recoverable as if it were a fine.

Any person neglecting or refusing to execute a bond when required under this section so to do shall be punished with fine which may extend to fifty rupees.

45. Whoever wilfully does any act, or wilfully omits to do what he is legally bound to do, intending by such act or omission to endanger, or knowing that he is thereby likely to endanger, the safety of any person travelling or being upon any Railway, shall be punished with transportation (or in the case of an European or American, penal servitude) for a term of not less than seven years or with imprisonment for a term which may extend to ten years.

For wilful act or omission endangering persons on Railway.

46. Whoever rashly or negligently does any act, or omits to do what he is legally bound to do, and such act or omission is likely to endanger the safety of any person travelling or being upon a Railway, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

For rash or negligent act.

47. Every driver or conductor of an omnibus, carriage or other vehicle shall, while in or upon any station-yard or other premises forming part of a Railway, obey the reasonable directions of any Railway-servant duly authorized in this behalf; and every person offending against this section shall be punished with fine ay extend to twenty rupees.

Disobedience of omnibus, &c., drivers lway-servants.

(D).—*Arrest of Offenders.*

Arrest for offences punishable under this Act of offender whose name is unknown, &c.

48. If any person commits any offence punishable under this Act and there is reason to believe that he will abscond or his name and address are unknown, and he refuses to give his name and address, or there is reason to believe that the name or address given by him is incorrect, any Railway-servant or Police-officer or any other person whom such Railway-servant or Police-officer may call to his aid, may, without any warrant or written authority, arrest and detain such offender until he can be taken before a Magistrate, or give sufficient security for his appearance before such Magistrate, or is otherwise discharged by due course of law.

Arrest for offences against certain sections.

49. Every person committing any offence mentioned in sections eight, twenty-five, twenty-six, thirty-six, thirty-seven, thirty-eight, forty-four, forty-five and forty-six may be arrested without any warrant or written authority by any Railway-servant or Police-officer, or by any other person whom such servant or officer may call to his aid ;

and every person so arrested shall, without unnecessary delay, be taken before a Magistrate authorized to punish him or to commit him for trial.

(E).—*Jurisdiction.*

Magistrates having jurisdiction.

50. No Magistrate other than a Presidency Magistrate and a Magistrate whose powers are not less than those of a Magistrate of the second class shall try any offence under this Act.

Place of trial.

Any person committing any offence against this Act or the rules made under it, shall be triable for such offence in any place in which he may be found or which the Local Government may, from time to time, notify in this behalf, as well as in any other place in which he might be tried under any law for the time being in force.

Every notification under this section shall be published in the local official Gazette and a copy thereof shall also be exhibited in some conspicuous place at each of such Railway-stations as the Local Government may direct, so that it may be easily seen and read.

(F).—*Saving of other Criminal Laws.*

Saving of prosecutions under other laws.

51. Nothing in this Act shall be deemed to prevent any person from being arrested, prosecuted or punished under any other law for any act or omission which constitutes an offence against this Act or the rules made under it :

Provided that no person shall be punished twice for the same offence.

CHAPTER VI.

MISCELLANEOUS.

Power of Government to make rules as to fences, gates and bars.

52. The Governor General in Council, or the Local Government with the previous sanction of the Governor General in Council, may, from time to time, make rules requiring—

(a) that boundary-marks or fences be provided for any Railway or any part thereof, and for roads constructed in connection therewith ;

(b) that gates or bars be erected at places where any Railway crosses a road on the level ; and

(c) that persons be employed to open and shut such gates or bars ;

and may by such rules determine what kind of fences shall, for the purposes of section forty-two, be deemed to be suitable for the exclusion of cattle,

and direct that any Railway-Administration wilfully neglecting or violating any rule made under section, shall forfeit to Government a sum not exceeding five hundred rupees for every such ne violation, or, when such neglect or violation is continuous, for every day during which it contin

Power to declare Local Government in respect of any Railway.

53. The Governor General in Council may, from time to time by notification in the *Gazette of India*, declare what Government or other Authority shall be deemed to be, for the purposes of this Act, the Local Government in respect of the whole or any part of a Railway.

Power to extend Act to steam-tramways.

54. The Governor General in Council may, by notification, extend this Act or any portion thereof to any tramway worked by steam.

THE FIRST SCHEDULE.

ACTS REPEALED.

(*See section* 2.)

Number and year.	Title.
XVIII of 1854	An Act relating to Railways in India.
XXXI of 1867	An Act to render penal certain offences committed by servants of Railway Companies.
XIII of 1870	An Act to apply the provisions of Act No. XVIII of 1854 to Railways belonging to, or worked by, Government.
XXV of 1871	An Act to amend the Railway Act.

THE SECOND SCHEDULE.

(*See section* 11.)

(*a*) Gold or silver, coined or uncoined, manufactured or unmanufactured ;

(*b*) plated articles ;

(*c*) cloths and tissue and lace of which gold or silver forms part ;

(*d*) precious stones, jewellery, trinkets ;

(*e*) watches, clocks or time-pieces of any description ;

(*f*) Government securities ;

(*g*) Government stamps :

(*h*) bills of exchange, hundis, promissory notes, bank-notes, orders or other securities for payment of money ;

(*i*) maps, writings, title-deeds ;

(*j*) paintings, engravings, lithographs, photographs, carvings, sculpture and other works of art ;

(*k*) glass, china, marble ;

(*l*) silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials ;

(*m*) shawls ;

(*n*) lace ;

(*o*) opium ;

(*p*) ivory, ebony, sandalwood, sandalwood-oil ;

(*q*) musical and scientific instruments.

D. FITZPATRICK,
Secy. to the Govt. of India.

Mysore Government Press, Bangalore.—1879.